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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/400,733	09/21/1999	RANDY BUSWELL	WYSE-003	3741

31824 7590 12/13/2006

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EXAMINER

CHAVIS, JOHN Q

ART UNIT	PAPER NUMBER
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2193

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/400,733

Applicant(s)

BUSWELL ET AL.

Examiner

John Chavis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/3/06</u> . | 6) <input type="checkbox"/> Other: _____ |

1. Applicant is advised that the Notice of Allowance mailed 2/2/06 is vacated. If the issue fee has already been paid, applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a specified Deposit Account.
2. The indicated allowability of claims 1-15 is withdrawn in view of the newly discovered reference(s) to Julin in view of Roux. Rejections based on the newly cited reference(s) follow.
3. *It is hereby requested that the applicant provide a complete translation of the reference to Roux.*

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Julin et al. in view of the definition of Unix at the time of the invention and further in view of Roux.

Claims

1. A terminal for displaying application program information in a windowing environment comprising:

Julin/Roux

See the non patent literature reference to Julin. The reference does not specifically indicate that it displays in

a windowing environment (although, it references managing a window of shared memory, in the second bulleted paragraph of page 9); however Julin indicates that his system emulates Unix, and Microsoft computer dictionary (p. 485, attached to provide a clear understanding of terminology at the time of the invention) indicates that Unix comes in multiple varieties, including a graphical version (windowing version). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to provide for displaying information in a windowing environment to enable emulators for various operating systems for a wide range of target systems and environments, as specified in Julin's abstract.

processing means, not fully compatible with personal computer BIOS or disk operating systems and incapable of executing windowing applications locally,

This feature is considered the essence of emulation, to enable incompatible systems to communicate, see Microsoft Computer Dictionary (p. 175), which provides for a definition of emulate, emulation and emulator, such as imitating the function of another computer. Also, as indicated above the emulation provides for a wide range of target systems and environments, such as the windowing environment referenced above.

adapted to receive windowing information supplied by programs executing on a remotely located application server,

See the discussion above and the introduction on page 1. The emulation provides for adapting.

display means for displaying the windowing information supplied by programs executing on the remotely located application server;

See the generic service interfaces (i.e. for displaying) in the abstract.

means for simultaneously maintaining more than one connection between the terminal and server.

Julin provides for his system to function asynchronously (See the first two paragraphs of page 9 with bulleted indents) and the transparent feature (simultaneous) indicated in the last paragraph on page 11-sect. 3.6 of page 12 are considered to provide proof of the simultaneous feature. However, assuming the applicant does not feel this feature is present in Julin's system, the feature is taught by Roux to enable simultaneous (plural coexisting operating systems) connections between terminal and server.

2. The terminal of Claim 1 wherein the multiple connections means includes:

See the response to the simultaneous feature above.

means for establishing more than one virtual machine on the terminal, each virtual machine running an open session.

3. The terminal of Claim 1 wherein the terminal having a foreground and background area and the multiple connections means includes:

This feature is considered inherent to enable transparency and asynchronous communications in a windowing environment

means for stopping and redisplaying the writing of a screen when a session is moved to the background without saving the screen in memory.

4. The terminal of Claim 3 wherein the multiple connections means further includes:

See the rejection above.

each virtual machine has a text buffer so when the virtual machine is in the background it has a virtual buffer that it can write to and it continues to run in the background;

This is considered the essence of the windowing, transparent, asynchronous emulation environment

each virtual machine sends a signal to a graphics application, the application sends a signal out to the server to

" " " "

command it to stop sending display when the application is switched to the background so that traffic relating to the graphics application between the terminal and server is stopped, the server is commanded to redisplay the screen when the application is switched back to the foreground.

5. The terminal of Claim 3 the multiple connections means further includes:
each virtual machine stops sending and receiving data to and from the server when an application resides in the background session,

“ “ “ “

each virtual machine commanding the server to refresh the data for the application when the application is switched to the foreground.

“ “ “ “

As per claims 6-10 and 11-15, see the rejection of claims 1-5.

6. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 3/3/06 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Chavis whose telephone number is (571) 272-3720. The examiner can normally be reached on M-F, 9:00am-5:30pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC

A handwritten signature in black ink, appearing to read 'John Chavis', with a long horizontal flourish extending to the right.

John Chavis
Primary Examiner AU-2193